

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RONALD PERRY STORMS,

Plaintiff,

v.

No. CV 20-1124 CG

KILOLO KIJAKAZI,¹
Commissioner of the
Social Security Administration,

Defendant.

**ORDER GRANTING UNOPPOSED MOTION TO AWARD ATTORNEY FEES
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

THIS MATTER is before the Court on the Plaintiff Ronald Storms's *Unopposed Motion for Attorney Fees and Costs Pursuant to the Equal Access to Justice Act (EAJA)* (the "Unopposed Motion"), (Doc. 33), filed December 15, 2021. In the Unopposed Motion, Mr. Storms indicates he seeks attorney fees in the amount of \$2,900.20. (Doc. 33 at 1). Further, the parties agree that "[p]ayment of this amount shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to [the Equal Access to Justice Act ("EAJA")] fees in connection with this action." *Id.* The Court, having reviewed the Unopposed Motion under EAJA, 28 U.S.C. § 2412, finds the Unopposed Motion is well-taken and shall be granted.

IT IS THEREFORE ORDERED that Plaintiff be awarded \$2,900.20 in attorney fees pursuant to EAJA, 28 U.S.C. § 2412, made payable to Plaintiff but mailed to Plaintiff's attorney. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

¹ Kilolo Kijakazi was appointed Acting Commissioner of the Social Security Administration on July 9, 2021.

IT IS FURTHER ORDERED that if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE